

JAN 18 2007

**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT
APPEALS AND INTERFERENCES**

for

Attorney Docket Number: FSP0152
Client Reference Number: 260155US
Title: network performance determining
Application Number: 09/995,371
Filing Date: Monday, November 26, 2001
First Named Inventor: Cruickshank III, Robert F.
Group Art Unit: 2151
Examiner Name: Patel, Dhairya

The applicant(s) hereby **appeal(s)** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

Payment is made by Authorization to debit deposit account for \$620 dollars. PLEASE NOTE **FSP0152** AS THE ATTORNEY DOCKET NUMBER ASSOCIATED WITH THIS TRANSACTION.

Charge fees and credit overpayments to deposit account 501691. In addition to the authorization provided here, I have enclosed a separate fee transmittal that authorizes the Director to charge any fees and credit overpayments to deposit account 501691. PLEASE NOTE **FSP0152** AS THE ATTORNEY DOCKET NUMBER ASSOCIATED WITH THIS TRANSACTION ON THE DEPOSIT ACCOUNT STATEMENT.

I have enclosed a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application.

I am the attorney/agent of record in this application.

Signature /Charles A. Mirho/
Charles A. Mirho
Reg. 41,199
Attorney for Applicant

Date: Thursday, January 18, 2007

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